



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
WATER AND
WATERSHEDS

Eugene Foster, Manager
Watershed Management Section
Department of Environmental Quality
811 S.W. Sixth Avenue
Portland, Oregon 97204-1390

Re: Nonpoint Source Management Program Updates

Dear Mr. Foster:

As you know, Oregon Department of Environmental Quality (DEQ) submitted its final updated Nonpoint Source (NPS) management program plan (Plan) to EPA on September 30, 2014 and we are reviewing currently reviewing the Plan, as well as how DEQ addressed our comments and comments made by the public. We appreciate your submitting the Plan on time and anticipate providing comments to you by the end of November.

As a reminder, Oregon must submit an *EPA approvable* nonpoint source (NPS) management program plan in time for EPA's "satisfactory progress" review under Clean Water Act § 319(h)(8). Not doing so risks a determination of unsatisfactory progress which may impact Oregon's receipt of FY15 Clean Water Act § 319 funding. EPA has a statutory obligation under Clean Water Act § 319(h)(8) to determine that states make satisfactory progress in meeting the schedule of relevant annual milestones specified in their NPS management programs and is prohibited from awarding grants under § 319 in the absence of such a determination. Because DEQ already submitted its final updated NPS program on time and assuming we do not uncover any major weaknesses, we do not anticipate any problems with meeting the deadline. Once you receive our comments, we do urge you to quickly address them so we can conduct our NPS program progress review and make the grant award in a timely manner.

Because of the importance of a current and relevant NPS management program to guide the use of Clean Water Act § 319 resources, EPA's Nonpoint Source Program Guidelines for States and Territories (issued on April 12, 2013) require states to maintain updated NPS management programs. To keep state NPS management programs relevant, states are required to review and update their programs every five years.

In accordance with this EPA guidance, EPA expected all of the outdated state NPS management program plans to be updated by September 2014. States that do not maintain current NPS management program plans risk a determination of unsatisfactory progress under Clean Water Act § 319(h)(8). (See section IX.I of the guidance.) Updates need not be comprehensive, unless warranted by significant program changes, but may focus on specific elements that are out-of-date. At a minimum, the update should ensure goals, objectives, and annual milestones are current. Appendix A from the guidance titled "Key Components of an Effective State Nonpoint Source Management Program" (enclosed) provides detailed information on what needs to be included in the program update. These state NPS management program updates must be reviewed and approved by EPA.

If you or your staff have questions on those comments or on the information contained in this letter, please feel free to contact Martha Turvey at (206) 553-1354 (turvey.martha@epa.gov) or me at (206) 553-6694 (croxton.david@epa.gov).

Sincerely,

David Croxton, Manager
Watershed Unit, Office of Water and Watersheds

Enclosure: Key Components of an Effective State Nonpoint Source Management Program

cc: Mr. Don Yon, Nonpoint Source Section 319 Program Coordinator, Oregon DEQ